

1                   UNITED STATES DISTRICT COURT  
2                   SOUTHERN DISTRICT OF OHIO  
3                   WESTERN DIVISION

4  
5                   CASE NO.: 1:06CV544  
6                   (JUDGE BARRETT)

7  
8                   UNIFUND CORPORATION, et al.,

9                   Plaintiffs,

10                  vs.

11                  UNIFUND C.C.R. PARTNERS, INC.,

12                  Defendant.  
-----/

**ORIGINAL**

13                  **PROCEEDINGS:**       Telephone Deposition of  
14    **PETER SALOMON**

15                  **DATE:**                   March 16, 2007

16                  **TIME:**                   1:09 p.m. to 2:22 p.m.

17                  **LOCATION:**           7730 Little Road  
18   New Port Richey, Florida

19                  **REPORTED BY:**       LISA ANN BROWN  
20   Stenographic Court Reporter  
21   Notary Public, State of  
22   Florida at Large

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9                   Unifund Corporation and  
10                  Unifund CCR Partners  
11                  Via Telephone

9                   **I N D E X**

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The deponent herein,

PETER SALOMON

being first duly sworn to tell the truth, the whole truth, and nothing but the truth, was examined and testified as follows:

## **DIRECT EXAMINATION**

BY MR. SCHISLER:

Q      Good afternoon, Mr. Salomon.

A Good afternoon.

10 Q We are here today for your deposition, and  
11 like the last time, we are proceeding  
12 telephonically. So if that makes it difficult for  
13 you to hear me or anything along those lines, let  
14 me know and I will make sure to speak up or restate  
15 my question or anything along those lines.

A Sure.

17 Q Let me begin by asking you to state your  
18 full name for the record.

A Peter J. Salomon, S-a-l-o-m-o-n.

20 Q Thank you. And I know since we spoke last  
21 time you're at least generally familiar with how  
22 this process works, but let me just briefly  
23 highlight some of the ground rules for you. I'm  
24 going to ask you a series of questions, and I need  
25 you to answer them truthfully to the best of your

1       ability. If you don't understand one of my  
2       questions, please ask me to repeat it or restate  
3       it, and I'll be more than happy to do so. However,  
4       if you answer the question that's posed to you, I'm  
5       going to assume that you understood the question as  
6       I presented it. Okay?

7           A       Okay.

8           Q       If you will allow me to finish my  
9       questions before you begin your answer, and I also  
10      will allow you to finish your answer before I ask  
11      my next question, that will make it much easier for  
12      the court reporter to transcribe what we're saying.  
13      That's particularly significant here since we're  
14      doing this by phone. If you feel that I've cut you  
15      off in any way, let me know that, and I will  
16      attempt to do the same thing. And we'll try to  
17      minimize the amount of time that we're speaking on  
18      top of each other.

19                  Similarly, if you can answer, you know,  
20      all the questions verbally, I certainly obviously  
21      can't see things like head nods or shrugs or  
22      anything along those lines, and also avoid things,  
23      you know, along the line of uh-huhs or huh-uhs or  
24      those kinds of things because those just don't  
25      transcribe well.

1           And if you need to take a break, we can do  
2       that. I don't expect this to be a lengthy  
3       deposition. But if for some reason during the  
4       proceeding you need to take a quick break, we can.  
5       That's fine. Just let me know, and we can take a  
6       couple of minutes off the record. The only  
7       exception to that being is if I have a question  
8       pending, meaning there's a question that I've asked  
9       you that has not yet been answered, we'll have to  
10      answer that question before we can take a quick  
11      break. All right?

12           A     Okay.

13           Q     All right. Having laid those quick ground  
14      rules, let's briefly go through a little bit of  
15      background information, and then we can talk about  
16      a couple of quick substantive issues and wrap this  
17      up fairly quickly.

18                   Where are you currently employed, sir?

19           A     Currently, I have several businesses.

20           Q     Okay.

21           A     But currently, I am taking a brief  
22      vacation from everything, so I'm not working right  
23      now at this moment.

24           Q     Okay. Now, you said you have several  
25      businesses or had? I might not have heard that

1           correctly.

2           A       No, I have several businesses.

3           Q       Okay. And what are those?

4           A       Well, objection, it's not -- it's  
5                   immaterial to the matters at hand, doesn't have  
6                   anything to do with -- with the complaint. But I  
7                   do have several businesses, and as I stated, right  
8                   now I'm not working them.

9           Q       Okay. And I appreciate that, but I do  
10                  have the right to gather some background  
11                  information and where you have worked and where you  
12                  currently work is appropriate.

13                  So the businesses that you have, if you  
14                  can just describe those for me. And your  
15                  objection's been noted. But if you can tell me  
16                  what the businesses are, that will help us move  
17                  things --

18           A       They're related to mortgages and real  
19                  estate.

20           Q       Okay. And what are the names of the  
21                  companies?

22           A       Star One Mortgage, Real Estate Tampa Bay.

23           Q       What is your affiliation with that  
24                  company?

25           A       I am president, officer of the companies.

1           Q     And what do you do with Star One Mortgage  
2       Real Estate Tampa Bay?

3           A     Objection. That question is immaterial to  
4       this case -- to this matter, and I do not feel I  
5       need to answer that.

6           Q     Okay. And again, Mr. Salomon, I know we  
7       talked about this some last week. The standard  
8       that governs discovery is that I'm allowed to ask  
9       you anything that's reasonably calculated to lead  
10      to discovery of admissible information. There's a  
11      very limited number of circumstances where a  
12      deponent cannot answer a question, and you can make  
13      all the -- you can make your objection and you can  
14      preserve those objections for the record. But only  
15      if the question fails within a very, very narrow  
16      set of circumstances can the deponent refuse to  
17      answer. Generally speaking, unless the question  
18      asks you to divulge information that's protected by  
19      an attorney/client privilege or some other type of  
20      privilege, then I'm allowed to ask you the  
21      question. So I appreciate that you noted your  
22      objection and that's the appropriate thing to do,  
23      but I do need to ask you to answer the question.

24                  Just for your reference again the question  
25      is: What is that you do with -- describe basically

1 what it is you do with Star One Mortgage Real  
2 Estate of Tampa Bay.

3 A Once again, I object to answering the  
4 question. I -- it is not related to this matter.  
5 It's not related to this complaint. It's  
6 irrelevant, and for that reason, I believe I don't  
7 need to answer that.

8 Q Sir, again, with all due respect, and I  
9 really don't want to go down this path again, the  
10 question -- it doesn't matter whether in your  
11 opinion it's related to this litigation or whether  
12 or not you deem it to be relevant. I'm permitted  
13 to ask you the questions. You can certainly  
14 preserve your objections. There's a mechanism to  
15 do that by registering your objection, but you do  
16 not have the option not to answer the question,  
17 particularly background-type questions like this.  
18 We have not reached the substance.

19 So I will, once again, make the request on  
20 the record that you answer the question that's been  
21 posed to you.

22 A The best I will answer the question is  
23 related to mortgages and real estate investments.

24 Q All right. And what specifically do you  
25 do with regards to mortgages and real estate

1 investments?

2 A I procure mortgages and real estate.

3 Q Okay. Procure them for what, individuals,  
4 for companies, what types of customers?

5 A That -- objection. That's a rather broad  
6 question. If you can rephrase it or state it  
7 another way, maybe I can understand it.

8 Q Sure. Who's the typical customer for whom  
9 you procure mortgages?

10 A Consumer.

11 Q Okay.

12 A The general consumer, individuals.

13 Q Okay. How long have you been the  
14 president of that company, Star One Mortgage Real  
15 Estate of Tampa Bay?

16 A Oh, approximately nine years.

17 Q And during the entire nine year tenure,  
18 have you done basically the same thing, procure  
19 mortgages for the consumers?

20 A And real estate investments, yes.

21 Q Okay. All right. Now, you indicated that  
22 you have several businesses, you've told me about  
23 Star One --

24 A Those are it.

25 Q Excuse me.

1 A Those are it.

2 Q Okay. Star One Mortgage Real Estate of  
3 Tampa Bay, that's all I have. If there's several,  
4 what are the others?

5 A Those are the only businesses that I am  
6 currently working or was working, but I am now  
7 taking some time off for a few months.

8 Q Okay. Any reason in particular that  
9 you're taking time off for a few months?

10 A No. I've been working for 30 years, and I  
11 think I'm due some time off.

12 Q I'd say that's probably true. Okay. Just  
13 help me understand, because the word you used  
14 yourself was several, and we only have one, so --

15 A No. You have two. You have Star One  
16 Mortgage and Real Estate Tampa Bay.

17 Q Oh, I apologize. I thought that was all  
18 one.

19 A No.

20 Q Star One Mortgage is one entity and then  
21 Real Estate Tampa Bay is --

22 A That is correct.

23 Q I apologize. I misunderstood that. Okay.  
24 And just so I'm clear, you're the president of each  
25 of those companies; is that correct?

1           A     I'm vice president of Star One Mortgage,  
2     I'm the principal representative, I'm the -- and  
3     I'm also the president of Real Estate Tampa Bay,  
4     Inc.

5           Q     All right. And do both of those entities  
6     perform essentially the same function, they both do  
7     similar type of work?

8           A     No, they do not. One is real estate  
9     investments, personal, and the other is procuring  
10    mortgages for individuals.

11          Q     Okay. And I'm just going to venture a  
12    guess, based upon the names, that Star One Mortgage  
13    in this instance is the one of those two that  
14    procures mortgages?

15          A     Correct.

16          Q     Okay. Have you been affiliated with both  
17    of those companies for the past nine years?

18          A     No. Real Estate Tampa Bay, I don't know  
19    exactly how long, but at least two or three years.

20          Q     Okay. Who else, if any -- excuse me.  
21    Strike that.

22                What other entities, if any, other than  
23    these two have you been employed by within the last  
24    ten years?

25          A     Those are -- those have been my main

1 employment, my main source of income.

2 Q Have there been any other sources of  
3 income other than those two entities in the last  
4 ten years?

5 A That I recall, no.

6 Q Okay. Okay. And what about before your  
7 affiliation with those two entities, what did you  
8 do prior to that?

9 A I was always in the real estate and the  
10 mortgage/credit business, mortgages. I was always  
11 into mortgages for the most part of my life and  
12 real estate.

13 Q Okay. Where do you currently reside, sir?

14 A I do not have -- I do not have an address  
15 right now. I've moved from the location, and I'm  
16 currently staying wherever I travel with friends.

17 Q Okay.

18 A And I will not until probably about June  
19 of this year establish another permanent residence.

20 Q Okay. Let's talk about the Unifund CCR  
21 Partners, Inc. entities in which you're affiliated.  
22 All right?

23 A Would you -- is that the entity with the C  
24 period, R period, R period?

25 Q Right. Yeah, I -- yeah, I know what

1 you're referring to. Just so we're clear, I  
2 understand you have objections to the fact that the  
3 entity that's identified in the complaint is a  
4 different and distinct entity than the one that  
5 you're affiliated with. So just so we're clear on  
6 the record, I'm only going to be asking you  
7 questions about the entity you're affiliated with.  
8 So any question I ask you about your company, you  
9 can presume I'm referring to the one in which you  
10 have an affiliation. Okay?

11 A Yes. I would like to preface -- you know,  
12 before we begin, that all the answers with regards  
13 to the attached Interrogatories and discovery, you  
14 know, they're all prefaced with an objection,  
15 immaterial. The defendant as stated and described  
16 within the plaintiff's complaint and the attached  
17 Interrogatories and discovery request is not the  
18 party answering said Interrogatories and written  
19 discovery request.

20 Q Sure.

21 A However, I'll answer questions as to my  
22 company, Unifund CCR Partners, Inc., no period in  
23 front (sic) of the C, the C or the R. And also for  
24 the record, I just wanted to state that initially  
25 when I answered the complaint, I was unaware, as

1       you were, as the judge was or has been, that it was  
2       against the wrong defendant, and it was not until  
3       about a couple of days prior to the first  
4       deposition that I fully became aware that the  
5       plaintiffs were suing the wrong party.

6           Q        Okay. And I appreciate that, that you put  
7       that on the record. Just so we're clear and just  
8       so I know, and make we make sure it's clear for the  
9       record, you did file an answer to the amended  
10      complaint directed to Unifund C.C.R. Partners, with  
11      periods in the C, C and the R; correct?

12       A        That is correct. But I was unaware at the  
13      time that it was the wrong defendant.

14       Q        Sure. I appreciate that. And as we sit  
15      here today, have you filed anything with the court  
16      to amend that answer?

17       A        No. Because it was -- the discovery of  
18      that issue was rather recent, and it was -- as I  
19      stated, it was at the last deposition that I  
20      brought it up that it was about a couple of days  
21      prior to that deposition that I had discovered  
22      that, and, you know, we've been in a mad rush to  
23      get this deposition done, so --

24       Q        Sure.

25       A        -- as of yet, no; but I would think,

1 Counsellor, that maybe you can amend that.

2 Q Sure. And I just wanted to clarify if you  
3 had anything floating around that I have not yet  
4 seen. That's all. Well, okay. We'll just -- I  
5 appreciate the objection and the notice that you've  
6 put on the deposition as kind of a prefaceory  
7 (phonetic) statement, and I think we're both on the  
8 same understanding as to what your objections are  
9 in that regard and I think we're also both on the  
10 same page that I'm only asking you questions about  
11 the entities that you're affiliated with. And I  
12 certainly appreciate the distinction you've drawn  
13 in terms of the spelling between those two names.  
14 Okay?

15 A Okay.

16 Q All right. Let's talk about the company  
17 that you have an affiliation with. Just so I don't  
18 have to say the dot, dot, dot, I'm going to refer  
19 to it as Unifund CCR Partners or your company or  
20 something along those lines just because it's  
21 easier to say.

22 A That would be fine.

23 Q Okay. Let's talk about that particular  
24 company. I know we asked this in the last  
25 deposition, but so it's all clear in the same

1 transcript, what positions, if any, do you hold  
2 with that company?

3 A I hold all positions as officer, as  
4 president, vice president, secretary/treasurer,  
5 director, registered agent.

6 Q Okay. When was that company formed?

7 A I believe sometime July of 2006.

8 Q Okay. Was anyone other than yourself  
9 involved in the formation of that company?

10 A No.

11 Q Okay. Why did you form that company, sir?

12 A I formed that company in order to separate  
13 my other company's real estate investments, pool  
14 them into another company because of the rentals  
15 and the -- you know, for those reasons, just  
16 separate -- separate the properties from one  
17 company to another.

18 Q Okay. So what specifically was it that  
19 you envisioned the Unifund company doing?

20 A Personal real estate investments just, in  
21 essence, having a corporation regarding my real  
22 estate investments. That's it.

23 Q Okay.

24 A Not soliciting the public, not doing  
25 anything else.

1           Q        Okay.  How did you choose the name Unifund  
2 CCR Partners, Inc.?

3           A        Well, Unifund was a name that I've had in  
4 the back of my mind for a long time; and Partners I  
5 thought was appropriate because the two companies  
6 merging their real estate portfolio into this  
7 corporation; and really the CCR, I mean, you might  
8 think it's a joke, but that was my favorite group  
9 in the '60s and early '70s; so that's where I got  
10 the CCR, that's where I got the Partners and the  
11 Unifund.  But Unifund was the name that I was  
12 toying around with for a long time.

13          Q        You say the name you've been toying around  
14 for a long time, can you give me an idea how long?

15          A        Oh, when I say a long time, I would say  
16 maybe a month or two prior to that, to me forming  
17 the corporation.

18          Q        What particularly about it was it that you  
19 liked?  What was it that made you think of that  
20 name or just the name that you felt would be  
21 interesting?

22          A        Uni, one, fund, one fund.  The purpose of  
23 the corporation was to put everything into one  
24 fund.  I mean, that's basically what it was and --

25          Q        I'm sorry.  Go ahead.

1           A     And when I searched public records, I saw  
2 various Unifunds and -- that were registered with  
3 the Florida Secretary of State, and they were  
4 registered for a long time; and I didn't see any  
5 problem with using that name.

6           Q     Okay. Let me ask you a couple of  
7 questions. You said that you wanted -- you liked  
8 the name Unifund because everything was to be  
9 merged into one fund. What everything are you  
10 talking about? When you say everything was going  
11 to be merged into one fund, what is the  
12 "everything"?

13          A     Well, everything -- when I say  
14 "everything," I'm talking about all the real estate  
15 -- all the real estate acquisitions, all the real  
16 estate properties that were acquired were going  
17 into one corporation.

18          Q     Okay. Was this corporation intended to  
19 replace Star One Mortgage or Real Estate of Tampa  
20 Bay?

21          A     No.

22          Q     Okay. In other words, those entities were  
23 going to continue to invest; is that correct?

24          A     Correct.

25          Q     And Unifund CCR Partners was intended to

1 work in conjunction with them?

2 A No. No. Separate entity.

3 Q Okay.

4 A Well, a Florida for profit corporation.

5 Separate entity.

6 Q Okay. So what interrelation, if any, did  
7 the Unifund entity intend to have with Star One  
8 Mortgage and Real Estate of Tampa Bay companies?

9 A Other than what I previously stated, none.

10 Q Okay. All right. So is it your  
11 testimony, sir, that the fact that you wound up  
12 with a name identical to that of my client, it's  
13 just a pure coincidence?

14 A Yes, it is. It actually is. Because I --  
15 for the most part, I mean, I just played around  
16 with the names for a few months, and, you know, I  
17 came up with that name. And when I  
18 cross-referenced those names with the Florida  
19 Secretary of State, Division of Corporations, there  
20 was no entity that was registered with that name,  
21 and there were other existing entities using the  
22 name Unifund; and for that reason, I didn't see any  
23 problem with that.

24 Q Okay. And I'm going to ask you some  
25 questions about that in a second.

1 A Sure.

2 Q Now, you indicate the CCR reference, you  
3 said that that was because your favorite band was  
4 Credence Clearwater Revival?

5 A Yeah. It's silly, but it's true. That's  
6 what it is.

7 Q So why did you want to have a reference to  
8 your favorite band included in the name of the  
9 company that was going to be handling, you know,  
10 basically real estate holdings?

11 A Phonetically it sounded nice, and it was  
12 -- it just had a nice ring to it.

13 Q Okay. Any reason other than that?

14 A No.

15 Q When did you come -- you mentioned that  
16 the Unifund name had been kind of bounced around in  
17 your head for a month or so and you liked it, when  
18 did you come to the conclusion to sort of merge  
19 that Unifund monitor with the CCR name?

20 A I did that as soon as I -- as soon as I  
21 found out through the Florida Secretary of State,  
22 Division of Corporations website that that name,  
23 you know, was available. That it wasn't -- and  
24 that it was being used by other companies, so I saw  
25 no harm in using that name.

1           Q     Let me try to understand that. You  
2     decided you wanted to use Unifund CCR Partners  
3     after you saw that the name Unifund CCR Partners  
4     was already being used by other companies?

5           A     No.

6           Q     Is that what you said?

7           A     No.

8           Q     The name Unifund, not the CCR -- the CCR  
9     part was something that I -- you know, I really was  
10    going to do it anyway. I was going to probably  
11    name it CCR Partners, Inc., but as -- but the  
12    Unifund is such a common -- common name, a common  
13    word, and it just -- it just implies exactly what I  
14    was proposing to do, just one fund, one -- you  
15    know, one company, you know, with all these real  
16    estate acquisitions. I don't know if I've made  
17    myself clear with that, but you know, just using  
18    that one company for the real estate acquisitions.

19           Q     As I understand your testimony correctly,  
20    when you elected to register your company's name  
21    with the Secretary of State, you were aware of the  
22    existence of other entities using the name Unifund;  
23    correct?

24           A     Yes. Other entities that were not related  
25    to your plaintiff, that had no direct or indirect

1 relationship to your plaintiff.

2 Q Okay. But you did -- but you did see the  
3 existence of other entities that had the name  
4 Unifund; correct?

5 A There was one that was inactive which was  
6 Unifund, and I am assuming that that is one of your  
7 plaintiffs; but that that name was inactive. That  
8 corporation was inactive. The others that I saw  
9 had no affiliation or no direct ties or indirect  
10 ties to your plaintiff.

11 Q Okay. That's not exactly what I'm asking  
12 you. I'm just asking --

13 A I never saw Unifund CCR Partners, Inc.,  
14 no.

15 Q That's not my question. My question is:  
16 Before you registered your company's name with the  
17 Florida Secretary of State, you did observe and you  
18 were aware of the existence of other companies that  
19 had the name Unifund; is that correct?

20 A Yes. That were unrelated to your  
21 plaintiffs.

22 Q Okay.

23 A That had no affiliations with your  
24 plaintiffs that were filings within the Division of  
25 Corporations. Companies that had been in existence

1 prior to my choosing my name.

2 Q Okay. Other than reviewing the Secretary  
3 of State registry, what materials, if any, did you  
4 also review before choosing that name?

5 A I had also checked with the Florida  
6 Department of Financial Services to see if there  
7 were any licenses issued to this name that I was  
8 choosing, and there were not. And I had also  
9 called the Florida Department of Revenue, which is  
10 a -- the best source really, because if a company  
11 by that name is doing business in Florida, they are  
12 supposed to be registered with the Florida  
13 Department of -- with the Florida Department of  
14 Revenue. So seeing that that was not the case, I  
15 didn't see any problem registering the name and it  
16 was available.

17 Q Did you make any effort to determine  
18 whether or not the word Unifund or any of the other  
19 words in the name of your business were Trademark  
20 protected?

21 A Well, it was very safe in assuming that if  
22 other companies were using that name and they were  
23 not affiliated with each other, you know, just that  
24 -- that in itself told me that that should not be a  
25 problem, and once again, the fact that the -- you

1 know, that Unifund, and I don't remember exactly  
2 how it was -- exactly the name of the company, but  
3 I believe it was Unifund Corporation or something  
4 of that nature, that was an inactive company. So  
5 no, I had no reason to believe any of that.

6 Q Okay. And you said you saw several  
7 companies using the name that you testified were  
8 unrelated with each other?

9 A Correct.

10 Q How do you know they were unrelated with  
11 each other?

12 A Because when you look at their -- when you  
13 look within the records, you could -- that's  
14 something that you can tell. I mean, you can tell  
15 by their registered agent, their addresses, the  
16 principals. I mean, all that is indicative of --  
17 you have, all that will tell you, you know, whether  
18 or not they're related.

19 Q Okay. Did you contact the United States  
20 Patent and Trademark office to inquire whether or  
21 not the word Unifund was Trademark protected?

22 A No, I did not. At that time I did not.

23 Q Okay. Did you conduct an online search to  
24 determine whether or not the term Unifund was  
25 Trademark protected?

1           A     No, I did not. I did not feel that there  
2        was a need for it, because once again, there were  
3        several companies using that name Unifund that were  
4        totally unrelated to each other.

5           Q     Okay. At any time, not just when you  
6        registered the company, but any time since then,  
7        have you ever conducted an examination or  
8        investigation with the United States Patent and  
9        Trademark Office to determine whether or not the  
10      word Unifund is Trademark protected?

11          A     Yes, I did.

12          Q     Okay. Was that in receipt -- after  
13        receiving what I'll refer to as the first cease and  
14        assist letter from our office or was it before  
15        that?

16          A     I don't recall exactly when it was, but I  
17        -- it had to do with -- it had to do with probably  
18        the complaint or the letter, one of the two. I  
19        have no idea.

20          Q     Okay.

21          A     I don't remember.

22          Q     I'm sorry?

23          A     I don't remember exactly.

24          Q     Okay. Let me try to break it down a  
25        little bit. Do you recall whether the

1 investigation you did with the USPTO, that's the  
2 United States Patent and Trademark Office, do you  
3 know whether that occurred before or after you  
4 registered your company with the Florida Secretary  
5 of State?

6 A Could you repeat that question again,  
7 please?

8 Q Sure. Whenever you did the investigation  
9 with the Trademark Office, and we'll talk about  
10 specifically what kind of -- what this  
11 investigation was in a second. I just want to know  
12 whether you recall whether that investigation took  
13 place before or after you register your company  
14 with the Florida Secretary of State?

15 A It was after I registered the company, and  
16 it was after some type of action or notification  
17 from your office regarding this alleged Trademark  
18 infringement.

19 Q Okay. Now, describe for me what it is  
20 that you did in terms of investigating whether or  
21 not it was a Trademarked item.

22 A I went online with the Federal Trademark  
23 people, and I discovered that there was a Trademark  
24 Unifund -- period. That was it, Unifund.

25 Q Okay. Do you know what website you went

1 to?

2 A The Federal Trademark -- I don't recall  
3 exactly the name of the website.

4 Q Okay. But your research revealed that  
5 there was in fact a Trademark -- that the word  
6 Unifund was in fact an owned Trademark, a  
7 registered Trademark; is that correct?

8 A Well, you know, once again, I mean, this  
9 is based on what I saw on paper, that I had no idea  
10 specifically if it was your client or not, but I  
11 did discover that, yes.

12 Q Right. And I'm not asking you if you can  
13 tell us if that was my client or not. I'm just  
14 asking whether your investigation revealed that  
15 there was in fact a Trademark of the word Unifund.

16 A Yes.

17 Q Okay. After discovering that the term  
18 Unifund was Trademark protected, did you -- did you  
19 cancel your registration with the Secretary of  
20 State in Florida?

21 A No, I did not.

22 Q Why not?

23 A Because soon afterwards as I received  
24 letters from you, I had -- it wasn't very clear,  
25 but I did some more research regarding Unifund and

1 I understood that they were -- that they're a  
2 collection agency, and in essence, I felt that --  
3 you know, that I didn't have to withdraw that name.

4 Q And why not, sir?

5 A Because Unifund is not licensed with the  
6 Florida Department of Financial Services as a  
7 consumer or a -- as a consumer collection agency.  
8 They're not registered with the Florida Department  
9 of Revenue as doing business in the State of  
10 Florida, and for those reasons -- you know, for  
11 those reasons, those alone, it was enough to tell  
12 me that in fact that the company, as I allege, was  
13 doing business here without the benefit of proper  
14 registration with the Secretary of State and/or the  
15 entities that they're supposed to be licensed with.  
16 And as a result -- if I may continue?

17 Q Uh-huh.

18 A As a result, I allege that doing business  
19 in that fashion within the state, whereas they  
20 cannot maintain or file lawsuits because they're  
21 not registered with the Secretary of State, that  
22 they were -- and they've been doing this, as I  
23 discovered this later on, for years, that that  
24 Trademark would be invalid. Because one of the  
25 stipulations within the law that -- regarding the

1       Federal Trademarks is that if at any time that mark  
2       is used to deceive the public, that Trademark is  
3       invalid. For that reason, I felt that I didn't  
4       have to cancel my registration.

5           Q       So if I understand your testimony  
6       correctly, it's your belief that my client has been  
7       deceiving the public; is that right?

8           A       It seems to be that -- yes, it seems to be  
9       that.

10          Q       Okay. And why do you believe they're  
11       deceiving the public?

12          A       Because, number one, they're not properly  
13       registered to do business within the State of  
14       Florida; number two, they're not registered or  
15       licensed with the Florida Department of Financial  
16       Services as a collection agency; and number three,  
17       they're not filed -- they have not filed with the  
18       Florida Department of Revenue as a business doing  
19       -- as a business that is doing business in the  
20       State of Florida --

21          Q       Okay.

22          A       -- as required by Florida law.

23          Q       Now, you said it was your understanding  
24       that my client is a collection agency?

25          A       That is correct.

1 Q What is that understanding based off of,  
2 sir?

3 A It's based on when I did my research with  
4 the Federal Trademark Office, it states  
5 specifically what that trademark is related to and  
6 one of the things it's related to is credit and  
7 collections. I believe. Not -- I don't know if it  
8 said credit. Collections at least. They, in  
9 essence, are a collection agency.

10 Q Okay. Help me understand something. I  
11 want to make sure I understand your testimony  
12 correctly. My understanding is a few minutes ago  
13 you said that you did your investigation with the  
14 Trademark Office, but that you cannot tell whether  
15 or not that Trademark was owned by my client or  
16 not. So what I need some clarification on is if  
17 you're basing your assumption that my client is a  
18 collection agency based upon what you discovered  
19 from your Trademark search with the USPTO, how have  
20 you made the connection that that is in fact my  
21 client?

22 A Well, that is the only Trademark -- that  
23 is the Unifund Trademark that is registered, and  
24 number two, as time went by and I received more  
25 correspondence from you, the complaint, I can

1       reasonably tie that into your client later on,  
2       but --

3           Q       So it's your understanding that the  
4       Trademark that you have observed to be registered  
5       with the USPTO, that that trademark is owned by my  
6       client; is that correct?

7           A       It seems to be. As I -- you know, as I --  
8       as this progresses, it seems to be. I cannot tell  
9       you definitively because you haven't -- your client  
10      hasn't evidenced anything of that nature within its  
11      complaint, as it hasn't evidenced what type of  
12      business they are. It hasn't stated what type of  
13      business they are, what the nature of their  
14      business is. I -- you know, it's just like  
15      fighting a ghost, so until that's established, I  
16      can't tell you definitely; but it appears to be  
17      your complaint based on everything that's been  
18      happening.

19           Q       Okay. Do you have any reason to dispute  
20      that that Trademark is owned by my client?

21           A       I am not absolutely certain whether it is  
22      owned by your client.

23           Q       Sure. I understand that. Let me ask you  
24      this.

25           A       I mean, it's pretty much hearsay on your

1 client's part right now because nothing has been  
2 evidenced within the complaint or within any of the  
3 documents that that in fact is your client'  
4 Trademark. The only thing that's stated is they  
5 have a Trademark, but that's the only one that I  
6 found that's Unifund.

7 Q Let me ask you it this way. Do you have  
8 any evidence that demonstrates that that Trademark  
9 is not owned by my client?

10 A I don't have evidence of that nature, no.

11 Q Okay. Now, turning back to the question I  
12 asked you a moment or so ago, I was asking you to  
13 explain to me in your own words how you made the  
14 connection that my client is a collection agency,  
15 and you described some information you derived from  
16 the Trademark website. Any other information or  
17 anything else that you looked at that led you to  
18 the conclusion that my client is what you describe  
19 as a collection agency?

20 A When I started receiving pleadings that  
21 were addressed to my company, to myself as  
22 registered agent, I started the process of trying  
23 to find out who they belonged to --

24 Q Okay.

25 A -- and I couldn't find anybody in Florida,

1 so I went on the Internet and I looked.

2 Q Okay. Anything else that you looked at  
3 that led you to the conclusion that my client is a  
4 collection agency?

5 A Well, based on the pleadings that I  
6 received that -- once again, there's no evidence to  
7 say they belonged to your plaintiff. It's just  
8 hearsay. Nothing has been evidenced that these  
9 pleadings do belong to your client, but every  
10 pleading that I received that was addressed to me  
11 that was not mine, that I know was not mine, they  
12 were relating to collections. They were relating  
13 to -- to collections and collections of judgments  
14 and that type of thing.

15 Q Okay. Anything else that you saw that led  
16 you to that conclusion?

17 A When I went on the website, I believe  
18 there was -- there was references to your plaintiff  
19 being a collection agency.

20 Q Which website, sir?

21 A I do not recall exactly what website it  
22 was, but if I do recall, it was a website where the  
23 owner or the president of the company was actually  
24 stating within a newspaper article what type of  
25 business Unifund was, and one of the things that I

1 believe was mentioned was that they were a  
2 collection agency.

3 Q Okay. Have you ever visited or looked at  
4 a website operated by my client; in other words, my  
5 client's website, have you visited that at any  
6 point in time?

7 A I might have, yes. Because I was trying  
8 to find out who these pleadings belonged to, yes.

9 Q Okay. I believe it's unifund.com, have  
10 you been to that website?

11 A I don't recall the name exactly of the  
12 website.

13 Q Okay. Do you have an understanding as to  
14 what specific type of collection work that Unifund  
15 does? From your understanding, do you have any  
16 idea exactly what they do or how they do that or if  
17 it's limited to any specific types of collections  
18 or anything along those lines?

19 A I believe that -- and I don't recall  
20 exactly who it was, but on one of the pleadings, I  
21 made a phone call trying to find out, you know, who  
22 this pleading could belong to, and I got into a  
23 conversation with an attorney. And I don't recall  
24 the time, the place and the person right now, but  
25 they did indicate that they were -- that your

1       client was a collection agency or is a collection  
2       agency.

3           Q       Do you have any knowledge whether Unifund  
4       does anything like buy debt portfolios or buy  
5       credit card portfolios or anything along those  
6       lines?  Do you know one way or the other?

7           A       I don't understand the whole buying debt  
8       portfolio.  I do understand that there are  
9       companies out there that do that, that are under  
10      scrutiny right now by the Florida Attorney General  
11      because they try to bypass, circumvent getting a  
12      license as a collection agency, and I believe what  
13      they do is they use attorneys that they -- they say  
14      that they assign debts to attorneys and the  
15      attorneys are acting on their own behalf, but, you  
16      know, I mean, that's just -- that's just stuff that  
17      I've seen and heard, and I can't tell you exactly  
18      at this moment where I've seen and heard it, but I  
19      have.

20                  And also -- and also I have gone to the  
21       courthouse and I have seen -- when all this started  
22      -- when I started getting the letters from your  
23      office and this whole situation started, I went  
24      down to the courthouse and what I saw was that all  
25      these judgments were in the names of Unifund,

1       Unifund Partners, Unifund -- all different  
2 variations of Unifund, and I did not see any of  
3 those companies registered with the Florida  
4 Secretary of State, Division of Corporation.

5           Q      Okay.

6           A      And they have judgments against Florida  
7 consumers. Evidently to me, I'm not an attorney,  
8 and until, you know, the time comes, it seems to me  
9 that somebody is acting as a collection agency.

10          Q      Okay. Let me -- you know, I meant to ask  
11 this earlier. It goes to background information.  
12 Let me backtrack here for a second.

13          A      Sure.

14          Q      Are you a lifelong Florida resident, sir?

15          A      Oh, maybe just about. Almost 30 years  
16 here.

17          Q      Okay. And where in the State of Florida  
18 have you resided?

19          A      Oh, I've resided all over the State of  
20 Florida. I have traveled quite a bit. I couldn't  
21 tell you exactly everywhere I've been.

22          Q      Okay. Okay.

23          A      I'm a single person. I have no  
24 responsibilities towards any individual or anybody  
25 I have to answer to.

1 Q Okay. Were you married at any point in  
2 time, sir?

3 A I object to that question. That is  
4 irrelevant. It's immaterial to this matter.

5 Q I understand, but --

6 A Once again, I object to that question. I  
7 refuse to answer that question, and I know what  
8 you'll probably say, but I do refuse to answer it.

9 Q Okay. So you're going to refuse to answer  
10 that question?

11 A That is correct.

12 Q We'll keep moving forward.

13 A Thank you.

14 Q Did you ever live in Palm Harbor, Florida  
15 at any point?

16 A Probably did, yes.

17 Q Okay.

18 A Several times.

19 Q Several times you've lived in Palm Harbor?

20 A Correct.

21 Q Are you related or have you been related  
22 to anyone named Bertha Salomon at any point in  
23 time?

24 A I could be, but I object to that question.  
25 It's irrelevant, immaterial.

1           Q        Okay. Have you ever -- sir, prior to your  
2 interaction and your dealings with Unifund in this  
3 particular case, did you ever have any prior  
4 dealings with Unifund Corporation?

5           A        No.

6           Q        Or Unifund C.C.R. Partners, Inc.?

7           A        No dealings.

8           Q        Not your company. My client, Unifund  
9 C.C.R. Partners, Inc., did you ever deal with them  
10 at any time prior to this litigation?

11          A        I never had any dealings with them at all.  
12 Never did any business with them. Never got sued  
13 by them.

14          Q        Okay. Are you aware whether my client --  
15 I'm just going to refer to my clients generally as  
16 Unifund. Are you aware whether my client ever  
17 acquired any debt portfolios held by you?

18          A        Can you repeat that question, please?

19          Q        Sure. Are you aware of whether any --  
20 whether Unifund ever acquired any debt portfolios  
21 involving -- in which you were a --

22          A        Never.

23          Q        -- consumer?

24          A        Never.

25          Q        Did you ever receive any collection

1 notices or collection calls from Unifund?

2 A Never. However, see, what you're stating  
3 to me right now -- I mean, are you telling me that  
4 they're a collection agency? I mean, if they're  
5 not a collection agency, they shouldn't be calling  
6 me.

7 Q But I'm just asking you if you've ever  
8 received collection --

9 A No. And I guess I shouldn't if they're  
10 not a collection agency.

11 Q I'm not trying to -- I'm not trying to be  
12 smart or anything like that.

13 A No, that's okay. You're doing very well.  
14 Thank you. I appreciate it.

15 Q Yeah. I'm just asking if you've ever  
16 received any collection calls or collection notices  
17 from Unifund?

18 A Never in my life.

19 Q Okay. Sir, did you ever have either a  
20 credit card or a line of credit or anything along  
21 those lines with Montgomery Ward?

22 A Objection. That question is immaterial.  
23 It's not relevant to this matter.

24 Q I think it may be. And again, that's not  
25 a proper basis for an objection.

1           A     Well, it would -- it would not be -- first  
2     of all, I do not recall anything of the sort, and  
3     first of all -- and second of all, you know, once  
4     again, I object to that question. It has no  
5     relevance to this.

6           Q     Okay.

7           A     I mean, I do not ever remember having a  
8     Montgomery Ward card. If I ever did, it must have  
9     been 25 years ago or so.

10          Q     Okay. Maybe in the '80s perhaps?

11          A     I have no idea. I do not remember.

12          Q     Okay. All right.

13          A     Was your client around collecting at that  
14     time?

15          Q     I'm just asking --

16          A     Okay.

17          Q     -- if you recall having a Montgomery Ward  
18     credit card at some point?

19          A     I do not recall, sir.

20          Q     Okay.

21          A     Have you been checking into my credit?

22          Q     I have not, sir.

23          A     Okay.

24          Q     I have not.

25          A     Thank you.

1 Q Okay. Let's go back to talking about the  
2 Unifund CCR Partners, Inc. entity that you're  
3 affiliated with. Does this own any assets?

4 A No, not at all.

5 Q Okay. Does that entity have any bank  
6 accounts, sir?

7 A Not now, no.

8 Q Has it at any time had any bank accounts?

9 A No. Because when this action -- when all  
10 this started, I figured I'm going to wait until --  
11 until we get this concluded.

12 Q Okay. Has the entity that you're  
13 affiliated with, that Unifund CCR Partners, Inc.,  
14 has that -- has it conducted any business, has it  
15 dealt with any customers?

16 A Well, it would have prior to the start of,  
17 you know, this matter, this complaint, but I've  
18 chosen not to do anything until we get this  
19 situation resolved.

20 Q Okay. So just so I'm clear on the record,  
21 there's not been any customers --

22 A No.

23 Q -- that's interacted with that entity?

24 A No. And there wouldn't have been anyway  
25 other than, you know, the real estate investments

1           that my other companies have.

2           Q        Okay. Has that entity received any form  
3           of compensation or any kind of money or anything  
4           along of those lines?

5           A        No, and it will not until this matter is  
6           concluded.

7           Q        Okay. Have you disseminated or  
8           distributed any kind of advertising or promotional  
9           literature or anything along those lines involving  
10          the name Unifund CCR Partners, Inc.?

11          A        No, I have not.

12          Q        Okay. Do you have any letterhead that has  
13          that name on it?

14          A        I did. But I haven't used it. I don't  
15          have it anymore. I'm not using it until this  
16          matter is concluded, hopefully in my favor.

17          Q        Okay. Do you have any business cards that  
18          you have used that have that name on that?

19          A        Once again, this corporation was not set  
20          up to do business with the general public, so.

21          Q        So there are no business cards --

22          A        No.

23          Q        -- with that on it?

24          A        No. Didn't need it.

25          Q        Okay. Mr. Salomon, let me kind of go to a

1 different area for a second. Earlier at the outset  
2 of this litigation you were receiving some items in  
3 the mail that were not directed to your company and  
4 they were forwarded on to me; is that correct?

5 A That is not correct.

6 Q Okay. Explain to me then what the  
7 mailings were that you were receiving.

8 A The mailings -- the pleadings were  
9 addressed to me as registered agent for my company,  
10 Unifund CCR Partners, Inc., no periods.

11 Q Right. But the pleadings that you were  
12 receiving and the documents that you were receiving  
13 didn't involve anything associated with your  
14 company; correct?

15 A From what I saw, no.

16 Q Okay. And those materials were forwarded  
17 on to me; is that right?

18 A Because the judge asked that I do so.

19 Q Right. That's correct. Now, when was the  
20 last time you received anything in the mail that  
21 was mailed to you under the name Unifund CCR  
22 Partners, Inc. that didn't -- well, let me  
23 backtrack. I'm assuming there would be no reason  
24 why at this point you would be receiving anything  
25 in the mail involving your company, because it

1 hasn't actually undertaken any business operations;  
2 is that right?

3 A Well, the reason that I would probably  
4 receive something would be because your client has  
5 no registered agent listed as required, you know,  
6 by Florida statutes, and what these individuals --  
7 these attorneys do is they look maybe for your --  
8 and I'm assuming it's your client possibly. Once  
9 again, a lot of names -- a lot of different uses of  
10 that name Unifund -- Unifund C.C.R. Partners,  
11 Unifund Group, all sorts of names is coming under  
12 the Unifund umbrella; and what's happening is these  
13 attorneys, they go to the Florida Secretary of  
14 State website, Division of Corporations and the  
15 only registered agent for Unifund CCR Partners,  
16 Inc., my company, is me.

17 Q Right.

18 A And so they rightfully assume that -- you  
19 know, that we are the intended party, so they send  
20 it to us. And actually, it's just a mess that your  
21 client created, not --

22 Q I understand that.

23 A -- mine.

24 Q I think my -- I don't think my question  
25 was entirely clear.

1           A       I'm sorry. Go right ahead.

2           Q       That's okay. It's my fault. I think I  
3       didn't ask a very clear question. What I was  
4       asking is: Is there any reason why your entity  
5       would be receiving items in the mail, and my  
6       assumption would be that it wouldn't be because  
7       it's not actually undertaking business operations  
8       right now; is that correct?

9           A       Well, your assumption is wrong, because as  
10      you -- as you've done with me obviously gone on the  
11      Internet and try to discover information about me,  
12      there are many companies out there that are looking  
13      to do business with new up starting companies and  
14      they're not aware whether or not we're fully  
15      operational, and they will direct mail to us. And  
16      as I stated, as far as pleadings and court  
17      documents, it's just a very reasonable assumption  
18      that if they're looking for a plaintiff or a  
19      defendant by the name of Unifund CCR Partners, and  
20      I am the only registered agent in the State of  
21      Florida for that entity, then they're going to  
22      direct mail to me. It's not their fault. It's not  
23      my fault.

24           Q       Sure. When was the last time you received  
25      mail as the statutory registered agent for Unifund

1 CCR Partners?

2       A Other than miscellaneous things like -- as  
3 I stated, companies looking to do business with a  
4 new entity, that type of thing, I really -- I don't  
5 think I've received in awhile, that I recall, no.  
6 Because I have -- I have filed a report with the  
7 police department -- with the Pasco County  
8 Sheriff's Office, and I stated to them that it  
9 seems like I'm getting these pleadings that do not  
10 belong to me and to please redirect them back to  
11 the sender. And if they are mine, to make certain,  
12 and if they are not mine, make sure they get them  
13 to the right party.

14       Q Okay.

15       A And as a result of that, that's helped.  
16 As a matter of fact -- and I know that one of the  
17 basic rules of -- in my end regarding a deposition  
18 is not to talk a lot, but I was down in the  
19 courthouse and I happened to meet one of the  
20 processors that was serving me with these  
21 pleadings, and he did inform me that they were  
22 being returned as I instructed and as the sheriff's  
23 department -- as per the report with the sheriff's  
24 department. You know, they go back to the sender,  
25 the sender makes absolutely sure whether they're

1       mine or they belong to somebody else. If they  
2       belong to somebody else, it's their problem. They  
3       can go look for them. If they belong to me,  
4       redirect them back to me.

5           Q       Okay. Now, you said you haven't received  
6       anything like that in awhile. Can you be a little  
7       more specific in terms of how long awhile is?

8           A       Months. I don't -- of that nature, I  
9       would say months.

10          Q       Okay.

11          A       That I recall. Okay?

12          Q       Sure. That's fine. Now, you said you  
13       took some steps with the Pasco County Sheriff.  
14       Were there any other entities or individuals you  
15       spoke to about not having these items delivered to  
16       you?

17          A       As I said, the process server, the  
18       sheriff's department. Also on the Internet I  
19       informed the attorney -- Florida Attorney General's  
20       Office and also the Florida Department of Revenue.

21          Q       Okay. And specifically what you informed  
22       them was that you were receiving these items in the  
23       mail that did not appear to be intended for your  
24       company; is that correct, sir?

25          A       I was receiving items that were not

1       intended for my company and that this other party,  
2       your client, claims that it belongs to them and  
3       that they are registered legitimately to do  
4       business within the State of Florida.

5           Q       Okay. Did you present any documentary  
6       materials to any of these entities, Pasco County  
7       Sheriff, the Attorney General's Office, did you  
8       submit any documents to them or did you just have a  
9       conversation with these --

10          A       No, it was just all e-mail within their  
11       website, and as a result -- you know, they're  
12       government agencies. These are people that can  
13       find all this stuff on their own.

14          Q       Yeah. Okay.

15          A       I mean, I don't have to give them much of  
16       everything. So it is possible the Department of  
17       Revenue, I might have gotten a little bit more in  
18       depth with them, but to what extent, I don't recall  
19       right now. It's been a few months.

20          Q       Okay. Do you have copies of any of the  
21       e-mails or other materials that you may have  
22       submitted to these different entities?

23          A       None that I can find, because I did it all  
24       via -- via e-mail, and I believe whatever documents  
25       I might have sent them, I didn't retain copy of the

1 documents because I knew what the matter was. And  
2 I might have -- I might have a response, let's say,  
3 from the Florida Department for bringing it to  
4 their -- the Florida Department of Revenue for  
5 bringing it to their attention and that they're  
6 going to investigate it. That's the extent of  
7 that.

8 Q Let me just make this request on the  
9 record. If you can go back and look through any  
10 documents you have associated with that, anything  
11 that you submitted to or received back from the  
12 Florida Department of Revenue or the Pasco County  
13 Sheriff or any other entity, if you have any of  
14 those -- you find in your possession, just make a  
15 copy of those and send them on to me, please.

16 A I don't have them in my possession. I --  
17 you know, once again, because I am -- I'm caught up  
18 in this situation, and I fully, you know,  
19 understand and know, you know, what I was talking  
20 about, that I didn't keep copies of everything  
21 because it was just -- it would be just keeping too  
22 much stuff.

23 Q Sure. No, I understand. I'm just saying  
24 if you do locate any of these materials, just --  
25 I'll make a request on the record that you send

1       those to me. That's all I'm asking.

2           A     If I do locate them, yes.

3           Q     Okay. That's fine. That's fair enough.

4           A     Or I can at least give you names of  
5        individuals if I can find it.

6           Q     That's fine. Yeah. Whatever. Anything  
7        you locate, just fill out the supplement of your  
8        discovery by providing that to me. That's fine.

9           A     Okay.

10          Q     Now, you recall sending some of the  
11        materials on to me several months ago; is that  
12        correct?

13          A     What materials are you referring to?

14          Q     Let me be more clear. That's a good  
15        question. Do you recall forwarding on to me copies  
16        of some of the legal summonses and the complaints  
17        and things of that nature that you would have  
18        received that did not appear to be directed to your  
19        company?

20          A     Correct.

21          Q     Okay. Since you forwarded those materials  
22        on to me, you know, a couple of months or so, in  
23        the time after that, have you received any  
24        additional materials in the mail directed to you --  
25        I'm sorry. Strike that.

1                   Let me start again. Since you sent that  
2 stuff on to me, have you received anything in the  
3 mail that did not appear to be directed to your  
4 company?

5                   A       They were directed to my company. If  
6 anything was sent to me, it was directed to me and  
7 my company.

8                   Q       Right.

9                   A       And if -- if I recall -- you know, I mean,  
10 I can't remember everything, but if I recall, the  
11 last time I got served on one, I gave it back to  
12 the deputy and the deputy gave me a hard time about  
13 it; and I just wrote a big note on it that it did  
14 not belong to me and to return it to the sender and  
15 I left it at the sheriff's office.

16                  Q       And that occurred after you had forwarded  
17 some of those materials on to me?

18                  A       That is correct. I got really, really  
19 tired of -- first of all, I wasn't paid for the  
20 last ones that I sent.

21                  Q       Okay.

22                  A       And, you know, here's one more coming in.  
23 I thought that the best remedy would be to make  
24 certain that they get forwarded to the right people  
25 and save yourself, your plaintiff and myself a lot

1       of problems. But that was after the -- that was  
2       after the initial complaint was dismissed that your  
3       plaintiff had against me.

4           Q       Okay.

5           A       So it was after that, after the judge  
6       asked me to forward them to you.

7           Q       You intend to keep utilizing the name  
8       Unifund CCR Partners, Inc.?

9           A       Yes, I do.

10          Q       Okay. And do you intend to continue to  
11       use it for the same type of business model that you  
12       originally described to me earlier?

13          A       That's really the only business model I  
14       intend to use it for.

15          Q       Okay. Are there any investors in that  
16       company other than yourself?

17          A       No, there is not.

18          Q       And if I understand your testimony  
19       correctly, you're basically just waiting to see how  
20       this litigation resolves before you undertake any  
21       business through that company; is that a fair  
22       statement?

23          A       That is correct. I already have the name  
24       registered, and, you know, I just have to wait  
25       until the time is appropriate for me to do it. But

1 anyway, I'm just going to take off until June on  
2 all this.

3 Q Okay. Okay. And that's regardless of the  
4 outcome? Even if this litigation resolved prior to  
5 June, you're just going to take a break from  
6 everything until then; is that right?

7 A I'm just going to take a break from  
8 everything from now on. Until June I should say.

9 Q Well, that makes sense. That's perfectly  
10 fine. Okay.

11 A Absolutely. When somebody especially is  
12 trying to sue me and take what I worked hard for,  
13 yeah, I don't think so.

14 Q Let me look through my notes, sir. We're  
15 just about done. It may take a second. We can go  
16 off the record if we need to and I'm just going to  
17 look through these and we'll wrap this up in a  
18 second or two.

19 A And by the way, Counsellor, if I may say  
20 something.

21 Q Sure.

22 A You know, once again, at no time has it  
23 ever been disclosed as to what your plaintiff's  
24 nature of business is. Okay. And for me to -- to  
25 deliver documents, names of potential witnesses of

1 expert testimony, et cetera, it's rather ludicrous  
2 because I don't know what I'm addressing. And I  
3 need -- you know, one thing that needs to be  
4 clarified is who your client is, what they do for a  
5 living, what the nature of their business is, and,  
6 you know, we can go from there if you want to  
7 pursue that avenue.

8 Q And certainly, you know, there are  
9 mechanisms and a time and place available to you to  
10 do whatever you deem necessary --

11 A Absolutely.

12 Q -- to express those types of issues.

13 A Absolutely. And I don't think  
14 Mr. Rosenthal is going to react very well to me  
15 asking him anything about his ex-wife or his other  
16 personal stuff, but, you know, what's good for the  
17 goose I guess. But I just wanted to clarify once  
18 again that -- you know, I just want to conduct my  
19 business the way I intentionally set it up to be,  
20 and it has probably nothing to do with what your  
21 client does. I don't -- if it is credit and  
22 collections, it has nothing to do with what your  
23 client does.

24 Q You said a minute ago, you were asking  
25 some questions of a Mr. Rosenthal, is that what you

1 said?

2 A Well, Mr. Rosenthal is the president,  
3 isn't he.

4 Q Of my client?

5 A Right.

6 Q I guess my question would be where you  
7 obtained that information from.

8 A Well, as I stated earlier within this  
9 deposition, I went into a website and I saw an  
10 article --

11 Q Okay.

12 A -- regarding Mr. Rosenthal and what he  
13 expressed his future plans for the company was and  
14 what they do, et cetera, and they had his picture  
15 on it and the whole thing.

16 Q Okay. That makes sense. All right. Let  
17 me take a quick look through here. I think we're  
18 just about done.

19 A And by the way, I admire the man. A very  
20 smart man.

21 Q Just a couple of last questions, sir.

22 A Sure.

23 Q Are you still actively doing any work? I  
24 understand you're taking a brief vacation.

25 A No, I'm not.

1           Q        Okay. But my question was going to be,  
2        let's refer back to the Star One Mortgage and Real  
3        Estate of Tampa Bay entities. After June, will you  
4        still be doing any work with those entities?

5           A        Probably so.

6           Q        Okay.

7           A        I haven't -- I would probably have to  
8        because I do have -- I do have matters regarding  
9        that company I cannot abandon, but -- yeah,  
10       probably will do so.

11          Q        And the aspect of those businesses that  
12        was intended to be handled or directed to the  
13        Unifund company that you formed, how are you  
14        handling that aspect of it right now with those two  
15        companies? Do you understand what I'm asking?

16          A        No.

17          Q        Okay. I don't think I asked the question  
18        very well.

19          A        That's okay.

20          Q        My understanding is that you set up these  
21        two companies and then the Unifund company was  
22        intended basically to kind of work in conjunction  
23        with them to handle certain aspects of those two  
24        companies' business?

25          A        Initially when I started those companies,

1       I had no thought of utilizing Unifund. I mean, I  
2       started those companies years ago, but I did -- I  
3       did visualize that eventually I would have to do  
4       something like that.

5           Q        Okay.

6           A        Okay. So -- for taxes, you know, I mean,  
7        and just to keep everything separate, so it would  
8        just be a lot easier on my accounting and my  
9        bookkeeping.

10          Q        Okay.

11          A        I'm pretty much a one-man show and have  
12        been doing it for 30 years.

13          Q        Okay. The Unifund CCR Partners entity,  
14        the one you're affiliated with, has that entity  
15        filed a tax return?

16          A        No. Not required to.

17          Q        And why is it not required to?

18          A        Doesn't owe any money. Doesn't -- it  
19        hasn't operated and it hasn't -- hasn't made any  
20        money and it hasn't spent any money, except my  
21        initial, you know, personal outgo which was the  
22        formation of the corporation and some miscellaneous  
23        things.

24          Q        Okay. You provided to me with your  
25        discovery responses the Articles of Incorporation,

1       it looks like, and -- I guess that's it. Does the  
2       Unifund CCR partners, Inc. company, does it have  
3       any other corporate documents that haven't been  
4       produced to me?

5           A       No.

6           Q       Are there any corporate minutes that  
7       exist?

8           A       No.

9           Q       Okay. Are there any shareholder records  
10      that exist?

11          A       Well, what -- yeah. What I initially --  
12      just -- you know, just on paper what I initially  
13      issued myself, you know -- well, but you have that.

14          Q       Right.

15          A       Right. That's it.

16          Q       Okay.

17          A       That's all I'm required to do. And as far  
18      as the minutes, that's like one -- a one-liner.

19          Q       Okay. That makes sense. Is there any  
20      written business plan or business model that exists  
21      for that entity?

22          A       As I stated before, no.

23          Q       Okay. And that company as I understand it  
24      has not yet actively done any marketing or actively  
25      undertaken any work; is that correct?

1           A     It wasn't intended to go out and do any  
2 marketing.

3           Q     Okay.

4           A     It was -- but nothing has been done with  
5 it as of yet.

6           Q     Okay.

7           A     And probably not until June.

8           Q     Okay. What harm, if any, sir, would  
9 result to you or your company if it did business  
10 under a different name, if it did business under a  
11 name other than Unifund CCR Partners, Inc.?

12          A     Well, this is -- I am rightfully entitled  
13 in my view based on my -- the research I've done,  
14 I'm entitled to use that company, the name of that  
15 company. I like the name of that company, and, you  
16 know, I just have a perfect right to register that  
17 name; and for that reason, I don't want to change  
18 it just because somebody wants to bully me out of  
19 it.

20          Q     Right. I understand that. I guess my  
21 question is -- I understand you want to use it, and  
22 obviously the whole subject of this litigation is  
23 whether you can continue to use it. I get that.  
24 My question to you is: Is there any reason why you  
25 could not change it to another name?

1 A I -- other than personal reasons, no. I  
2 like the name.

3 Q Okay.

4 A I mean --

5 Q Right. I understand you have a personal  
6 preference for that name.

7 A Correct.

8 Q Is there any harm that would result to  
9 your company -- that you're aware of, is there any  
10 harm that would result to your company if it  
11 operates under a different name?

12 A Rephrase that question.

13 Q Sure.

14 A Go ahead.

15 Q Sure. As we sit here today, are you aware  
16 of any harm that you can describe for me that would  
17 result to your company if it operated under a  
18 different name?

19 A I don't know.

20 Q Okay. That's fair enough. That's a fair  
21 answer to that question.

22 A I don't know.

23 MR. SCHISLER: Okay. All right. Sir, I  
24 think that's all I have for you today. I  
25 appreciate your time and your patience and your

1           ability to answers the question that have been  
2           posed to you. We are -- this case is, as you  
3           know, in ongoing discovery, ongoing -- in the  
4           event that there would be new information that  
5           would come to light, that we are not presently  
6           aware of, I would reserve the right to ask you  
7           some additional questions limited to that new  
8           information. We wouldn't go back over things  
9           we've already covered. But I would reserve the  
10          right, if the opportunity were to arise, that  
11          we would ask you questions about those types of  
12          things.

13           THE DEPONENT: Just remember that last  
14          thing.

15           I'm sorry. There's a delay.

16           MR. SCHISLER: Okay.

17           THE DEPONENT: Just remember that last  
18          statement that you won't go back and ask me  
19          about these previous questions.

20           MR. SCHISLER: Right. Yeah. What I was  
21          -- all I was saying to you, sir, is I was just  
22          reserving the right to ask you about new  
23          information, if that becomes available.

24           THE DEPONENT: Absolutely.

25           MR. SCHISLER: I wouldn't go back and

1 rehash things that were already discussed.

2 THE DEPONENT: Absolutely.

3 MR. SCHISLER: That's all that I have for  
4 you today, and we'll complete the deposition.

5 As I explained to you last week, and I'll  
6 just remind you again, you have the option to  
7 review the transcript for its accuracy and then  
8 you can sign it or you can essentially presume  
9 the court reporter took everything down  
10 accurately and you can waive that right. But  
11 you need to let the court reporter know if  
12 you're going to accept signature or waive  
13 signature.

14 THE DEPONENT: I'd like to review it.

15 MR. SCHISLER: Okay. That's fine. Then  
16 the court reporter will prepare the transcript,  
17 and it will be delivered to you along with some  
18 instructions in terms of what needs to be done.  
19 And that is -- that's all that I have for you  
20 today.

21 THE DEPONENT: And I thank you. And I  
22 will -- I guess we're -- it will be my turn  
23 with the Interrogatories pretty soon, so I  
24 appreciate your time and thank you.

25 MR. SCHISLER: Okay.

1 \* \* \* \* \*  
2 THEREUPON, THE TAKING OF THE DEPOSITION WAS  
3 CONCLUDED AT 2:22 P.M.  
4 \* \* \* \* \*

5 **STIPULATION**

6 It was thereupon stipulated and agreed by and  
7 between counsel present for the respective parties  
8 and the deponent that the reading and signing of  
9 the deposition is not waived.

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1                   **CERTIFICATE OF OATH**

2                   STATE OF FLORIDA

3                   COUNTY OF PASCO

5                   I, the undersigned authority, certify that  
6                   **PETER SALOMON** personally appeared before me and was  
7                   duly sworn.

9                   WITNESS my hand and official seal this  
10                  9th day of April, 2007.

12                    
13                  -----  
14                  LISA ANN BROWN  
15                  Notary Public - State of Florida



16                  Lisa Ann G. Brown  
17                  Commission #DD231773  
18                  Expires: Aug 26, 2007  
19                  Bonded Thru  
20                  Atlantic Bonding Co., Inc.

**CERTIFICATE OF REPORTER**

STATE OF FLORIDA

COUNTY OF PASCO

I, LISA ANN BROWN, Court Reporter and Notary Public, State of Florida at Large, certify that I was authorized to and did stenographically report the foregoing proceedings; and that the transcript is a true and accurate record of said proceedings.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 9th day of April, 2007.

LISA ANN BROWN, COURT REPORTER

STYLE: UNIFUND CORPORATION, ET AL. VS. UNIFUND  
C.C.R. PARTNERS, INC.  
DEPOSITION OF: PETER SALOMON  
DATE: MARCH 16, 2007

## ERRATA SHEET

I have read the foregoing pages numbered 1 through 66, inclusive, and herewith subscribe to same as the correct transcription of the answers made by me to the questions recorded therein, unless noted.

PAGE            LINE            CORRECTION

PETER SATOMON

DATED: \_\_\_\_\_